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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,938	04/14/2004	Sam Denovich	18180 (AT No. 20958-2140)	5282
7590 01/24/2006			EXAMINER	
Robert Kapalka Tyco Electronics Corporation Suite 140 4550 New Linden Hill Road Wilmington, DE 19808			TA, THO DAC	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,938	DENOVIH ET AL.	
	Examiner	Art Unit	
	Tho D. Ta	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,12,14-16,18,19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10, 11, 13, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

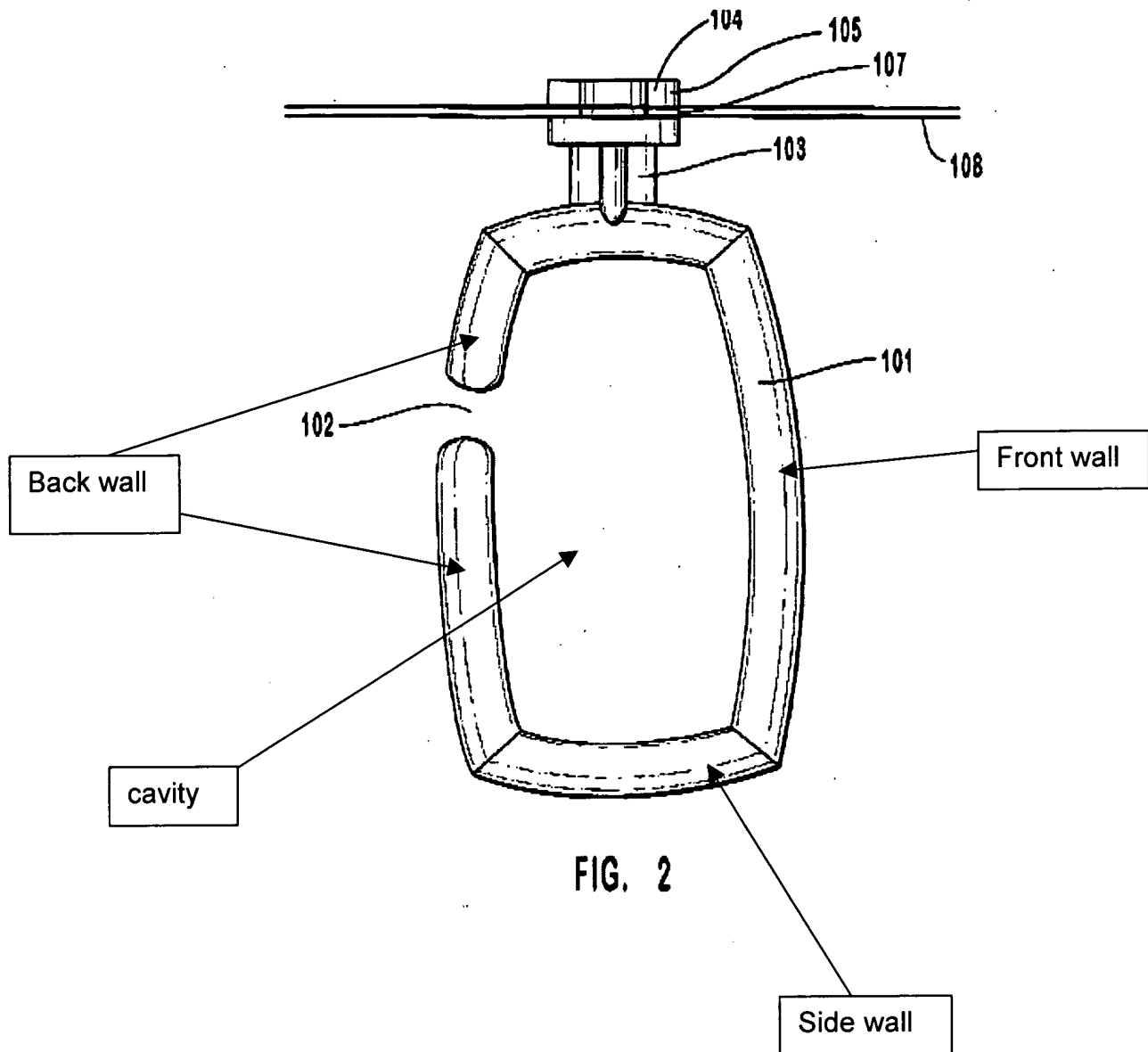
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 9, 12, 14-16, 18, 19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ciesko et al. (5,949,027).

In regard to claim 1, Ciesko et al. discloses a cable management system, comprising: an electronic component enclosure having a first connectivity interface (along line 108) configured to connect with cables; and a wire manager 101 located proximate the electronic component enclosure, the wire manager 101 having a body with a curved interior contour defining a cavity configured to hold cables, the wire manager 101 being oriented in a non-orthogonal relation to the electronic component enclosure such that the body extends at a non-orthogonal angle from the first connectivity interface (all of the walls of 101 are oriented in a non-orthogonal relation to line 108).

In regard to the recitation "patch panel", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).



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In regard to claim 8, Ciesko et al. discloses that the body of the wire manager 101 includes back, side and front walls formed integral with one another, the side walls flaring outward from one another as the side walls extend from the back wall toward the front wall.

In regard to claim 9, Ciesko et al. discloses that the body includes walls surrounding a cavity configured to hold cables, the walls having an semi-circular interior contour.

In regard to claim 12, Ciesko et al. discloses a frame 108, and wire manager 101 being mounted to the frame 108.

In regard to claim 14, Ciesko et al. discloses a wire manager 101 for retaining cables in a cable management system having a connectivity interface (along line 108) configured to connect with cables, the wire manager 101 comprising: side walls, at least one of the side walls being configured to be located proximate the connectivity interface of the cable management system; a front wall joined to the side walls; and a back wall joined to the side walls, the front, back and side walls surrounding a cavity having a curved interior contour, the front and back walls extending at non-orthogonal angles from the side wall located proximate the connectivity interface such that the front and back walls extend at a non-orthogonal angle from the connectivity interface when the wire manager 101 is located proximate the connectivity interface.

In regard to claim 15, Ciesko et al. discloses that the front, back and side walls form a semi-circular interior contour about the cavity.

In regard to claim 16, Ciesko et al. discloses that the side wall proximate the connectivity interface extends along a radial axis outward from a center of the cable management system.

In regard to claim 18, Ciesko et al. discloses that the back, side and front walls are formed integral with one another.

In regard to claim 19, Ciesko et al. discloses that the side walls flare outward from one another as the side walls extend from the back wall toward the front wall.

In regard to claim 21, Ciesko et al. discloses a bracket 103 on one of the side walls, the bracket 103 being configured to be secured to a frame 108.

In regard to claim 22, Ciesko et al. discloses an opening 102 through one of the front, back and side walls to receive cables.

Allowable Subject Matter

3. The indicated allowability of claims 8, 9, 21 and 22 is withdrawn in view of the newly discovered reference(s) to Ciesko et al..

4. Claims 2-7, 10, 11, 13, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: In regard to claim 2, the prior art fails to provide, teach or suggest the patch panel and the wire manager extend along a common non-linear path. In regard to claim 3, the prior art fails to provide, teach or suggest the patch panel and wire manager extend along a common circular arc. In regard to claim 4, the prior art fails to provide, teach or suggest a pair of wire managers mounted on opposite sides of the patch panel. In regard to claim 5, the prior art fails to provide, teach or suggest the patch panel and wire manager are joined to one another to be free-standing independent of a frame. In regard to claim 6, the prior art fails to provide, teach or suggest the wire manager and patch panel include adjoining sides that abut against one another. In regard to claims 7, 17, the prior art fails to provide, teach or suggest the body of the wire manager includes a convex back wall that bows into an interior cavity of the body. In regard to claims 10, 11, 20, the prior art fails to provide, teach or suggest a plurality of wire managers are stacked on one another. In regard to claim 13, the prior art fails to provide, teach or suggest a frame extending upward through the wire manager.

Response to Arguments

6. Applicant's arguments filed 11/9/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the patch panel of claim 1 is a structural element not shown or described in Ciesko. First of all, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex pade Masham, 2 USPQZd 1647.(1987). Secondly, the claims have not recited any structural limitations related to a "patch panel".

In response to applicant's argument that Ciesko does not describe nor suggest a wire manager having a side walls being configured to be located proximate a connectivity interface of a cable management system. Contrary to applicant's argument, Ciesko discloses a wire manager 101 having a side walls configured to be located proximate a connectivity interface (along line 108) of a cable management system. Further, the language "cable management system" is broad and not clearly defined in the claims and is thus deemed to be so broad that it is met by Ciesko's electronic enclosure because it is well known in the art that electronic enclosure would have retaining means, managing means or fanning means for organizing the cables.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THO D. TA
PRIMARY EXAMINER